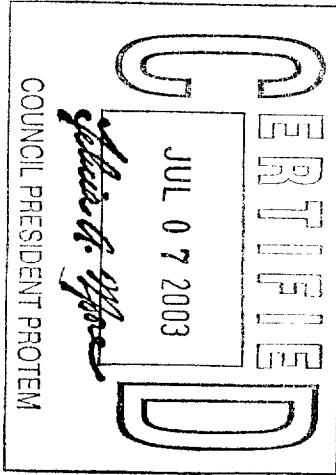


Entered - 04/23/03 - sb
CL - 03L0317 LISA CARTER

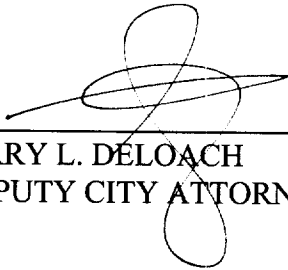
CLAIM OF: GEORGE DAVIS
570 Norfolk Street, NW
Atlanta, Georgia 30314

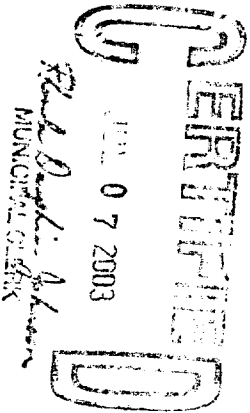
03- R -1017

For damages alleged to have been sustained as a result of an automobile accident on December 6, 2002 at the intersection of Whitaker and Poland Streets.



THIS ADVERSE REPORT IS APPROVED

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY



ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 7/1/03

CHAIR: C. T. Mark

Mary Norwood

John J. Mark

Clara Markson



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

July 9, 2003

George Davis
570 Norfolk St., NW
Atlanta, GA 30314

03-R-1017

Dear Mr. Davis:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on January 21, 2003. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0317

Date: June 13, 2003

Claimant /Victim GEORGE DAVIS

BY: (Atty) (Ins. Co.) _____

Address: 570 Norfolk Street, NW Atlanta, Georgia 30314

Subrogation: _____ Claim for Property damage \$ 806.00 Bodily Injury \$ _____

Date of Notice: 04/08/03 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 12/06/02 Place: Intersection of Whitaker and Poland Streets

Department Police Services Bureau: _____ Division: _____

Employee involved David Stribling Disciplinary Action: No action taken

NATURE OF CLAIM: Claimant alleges that his vehicle was damaged in the above amount due to a vehicular accident with a City Police Officer. However, an investigation determined that there were no traffic control devices on either side of the intersection. Therefore, the drivers did not have a predetermining factor to specifically dictate who had the right of way as they approached the intersection. Furthermore, the city is immune from liability as set forth in O.C.G.A. §36-33-1.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures X Diagrams _____ Reports: Police X Dept Report X Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

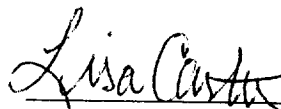
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

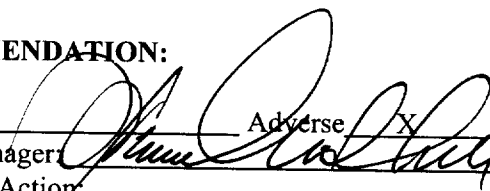
Respectfully submitted,



INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2P01 _____

Claims Manager:  Concur/date 26-16-03

Committee Action: _____ Council Action _____

RCS# 4853
7/07/03
4:05 PM

Atlanta City Council

Regular Session

CONS AGEN I Pgs 1 - 14 except:0715,0976
0852, 0950, 0946, 0963, 0926, 0975
ADOPT

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 0
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	B Woolard

		7/07/03 Full Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 03-O-0850 2. 03-O-0949 3. 03-O-0955 4. 03-O-0909 5. 03-O-0961 6. 03-O-0553 7. 03-O-0925 8. 03-R-0981 9. 03-R-0956 10. 03-R-0965 11. 03-R-1033 12. 03-R-0920 13. 03-R-0945 14. 03-R-0966 15. 03-R-0967 16. 03-R-0968 17. 03-R-0969 18. 03-R-0977 19. 03-R-0978 20. 03-R-0979 21. 03-R-0889 22. 03-R-0940 23. 03-R-0941 24. 03-R-0942 25. 03-R-0943 26. 03-R-0944 27. 03-R-0962 28. 03-R-0983 29. 03-R-0984 30. 03-R-0985 31. 03-R-0986 32. 03-R-0987 33. 03-R-0988 34. 03-R-0989 35. 03-R-0991 36. 03-R-0992 37. 03-R-0994	38. 03-R-0989 39. 03-R-0991 40. 03-R-0992 41. 03-R-0994 42. 03-R-0995 43. 03-R-0996 44. 03-R-0997 45. 03-R-0998 46. 03-R-0999 47. 03-R-1000 48. 03-R-1001	49. 03-R-1002 50. 03-R-1004 51. 03-R-1005 52. 03-R-1006 53. 03-R-1007 54. 03-R-1008 55. 03-R-1009 56. 03-R-1010 57. 03-R-1011 58. 03-R-1012 59. 03-R-1013 60. 03-R-1014 61. 03-R-1015 62. 03-R-1016 63. 03-R-1017 64. 03-R-1018 65. 03-R-1019 66. 03-R-1020 67. 03-R-1021 68. 03-R-1022 69. 03-R-1023 70. 03-R-1024 71. 03-R-1025 72. 03-R-1026 73. 03-R-1027 74. 03-R-1028

Consent I Vote: 15 Yeas; 0Nays: (See RCS #4853)

Items Removed from the Consent Agenda: 03-O-0852; 03-O-0926; 03-O-0950; 03-R-0715; 03-R-0946; 03-R-963; 03-R-0975; 03-R-0976